



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 453

**Assembly Amendments
1 and 2**

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2009 Wisconsin Act 175 created a pilot program permitting the registration and operation of utility terrain vehicles (UTVs). Under the pilot program, a UTV is defined as a motor driven device, with a gross weight of more than 900 pounds but not more than 1,999 pounds, that is designed to be used primarily off of a highway and that has certain other characteristics. The Department of Natural Resources (DNR), any federal agency, and any county may participate in the program by adopting a resolution. Municipalities located within a participating county are also participants unless the governing body opts out of the program. The DNR, or a federal agency, county, or municipality that participates in the program may designate any of the following within their respective jurisdictions:

- All-terrain vehicles (ATV) routes and trails that may be used by operators of UTVs.
- ATV routes and trails upon which UTV use is prohibited.

Under the program, a UTV may not be operated on a route designated as open to UTVs unless it has been registered for public use. However, UTVs need not be registered to be operated on private land or for an agricultural purpose. The pilot program applies statewide and is set to end on July 1, 2012.

Generally, *2011 Assembly Bill 453* ends the UTV pilot program and establishes a permanent method for regulating the use of UTVs. The bill subjects UTVs to most of the laws applicable to ATVs and makes certain changes to the laws relating to ATVs. With certain exceptions, a UTV must either be registered for public use or for private use. As under the pilot program, the bill provides that no UTV may be operated on an ATV route, trail, or corridor that has been designated as open to UTVs unless the UTV has been registered for public use. In addition, the bill provides that a UTV, like ATVs under current law, used exclusively for an agricultural purpose or used exclusively on private property may be registered instead for private use for a lower registration fee. (Under the bill, a UTV registered for public use may also be used for an agricultural purpose or used on private property.)

Under *current law*, no person may operate an ATV with any firearm in his or her possession unless the firearm is unloaded, or is a handgun, or the ATV is stationary. *Assembly Amendment 1* applies this prohibition against firearm use on ATVs to UTVs.

The definition of “agricultural purpose” that applies to ATVs under *current law*, and that the bill applies to UTVs, is a purpose related to a list of specified activities. *Assembly Amendment 1* modifies the definition of “agricultural purpose” by eliminating this list of activities and creating a more general definition. Under the amendment, an “agricultural purpose includes a purpose related to the transportation of farm implements, equipment, supplies, or products on a farm or between farms.” It should be noted that the word “includes” means “including but not limited to.”

Assembly Amendment 2 revises several cross-references to treat UTVs the same as ATVs for tax purposes.

Legislative History

Assembly Amendments 1 and 2 were offered by Representative Severson. On February 7, 2012, the Assembly Committee on Transportation recommended adoption of Assembly Amendments 1 and 2 on a vote of Ayes, 14; Noes, 0. The committee then recommended passage of Assembly Bill 453, as amended, on a vote of Ayes, 14; Noes, 0.

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